

13-34-114 Consent to use of educational terms in business names.

(1) For purposes of this section:

(a) "Business name" means a name filed with the Division of Corporations and Commercial Code under:

- (i) Section 16-6a-401;
- (ii) Section 16-10a-401;
- (iii) Section 16-11-16;
- (iv) Section 42-2-6.6;
- (v) Section 48-2a-102 or 48-2e-108, as appropriate pursuant to Section 48-3a-1405; or
- (vi) Section 48-2c-106 or 48-3a-108, as appropriate pursuant to Section 48-3a-1405.

(b) "Educational term" means the term:

- (i) "university";
- (ii) "college"; or
- (iii) "institute" or "institution."

(2) If a statute listed in Subsection (1)(a) requires the written consent of the division to file a business name with the Division of Corporations and Commercial Code that includes an educational term, the division may consent to the use of an educational term in accordance with this statute.

(3) The division shall consent to the use of an educational term in a business name if the person seeking to file the name:

- (a) is registered under this chapter;
- (b) is exempt from the chapter under Section 13-34-105; or
- (c)
 - (i) is not engaged in educational activities; and
 - (ii) does not represent that it is engaged in educational activities.

(4) The division may withhold consent to use of an educational term in a business name if the person seeking to file the name:

- (a) offers, sells, or awards a degree or any other type of educational credential; and
- (b) fails to provide bona fide instruction through student-faculty interaction according to the standards and criteria established by the division under Subsection 13-34-104(5).

Amended by Chapter 412, 2013 General Session